

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DIANN HAYES,

Plaintiff,

v.

Case No. 14-14662
Hon. Denise Page Hood

COMMISSIONER OF
SOCIAL SECURITY,

Defendant,

_____ /

**OPINION AND ORDER ADOPTING REPORT AND
RECOMMENDATION (DOC # 22)**

Plaintiff, Diann Hayes has filed for a timely judicial review of Defendant Commissioner of Social Security's denial of benefits. All pretrial matters were assigned to Magistrate Judge Stafford. On May 20, 2015 this case was temporarily transferred to a three judge panel under Administrative Order 15-AO-045 to take the Commissioner's 60 days stay and Plaintiff's motion for substitution under consideration. This case was then transferred back on October 19, 2015 to Magistrate Judge Stafford once the work from the three judge panel was concluded. The Court directed Hayes that she was to either retain new counsel by December 19, 2015 or proceed without the assistance of counsel, *pro se*. Plaintiff did not retain new counsel; therefore, the temporary stay was lifted and Hayes was considered *pro se*. (Doc. #19). Magistrate Judge Stafford ordered Plaintiff to file a

new motion summary for judgment by February 4, 2016, but she did not do so. On February 9, 2016, the Magistrate Judge determined that the Plaintiff's Social Security Appeal would be decided based on the existing record.

Once a report and recommendation has been issued, a party has fourteen days to file written objections to the Magistrate Judge's proposed findings and recommendations. 28 U.S.C. § 636. A district court is not required to review any portion of a report and recommendation to which no objection was made. *Hickey-Niezgoda v. Wells Fargo Home Mortgage*, No. 11-10538, 2012 WL 1079573, at * (E.D. Mich. Mar. 30, 2012) citing *Thomas v. Arn*, 474 U.S. 140, 149 (1985). 28 U.S.C. § 636(b) (1). A court may accept, reject, or modify, whole or in part, the findings or recommendations made by the magistrate judge. *Id.*

Neither party filed any written objections, and the time period for filing objections has expired. The Court has had an opportunity to review this matter and finds that the Magistrate Judge reached the correct conclusions. Although the arguments within the previous motion from her prior attorney lacked developed arguments or supporting evidence, Magistrate Judge Stafford independently reviewed and considered the evidence within the record and the ALJ's findings. After this thorough review, Magistrate Judge Stafford determined that the Commissioner's decision was supported by substantial evidence.

Accordingly, the Court **ADOPTS** Magistrate Judge Stafford's Report and Recommendation and **GRANTS** Defendants' Motion for Summary Judgment (Doc. # 12). Plaintiff's Motion for Summary Judgment (Doc. # 10) is **DENIED**.

IT IS ORDERED.

s/Denise P. Hood
HON. DENISE PAGE HOOD
CHIEF UNITED STATES DISTRICT JUDGE

Dated: September 6, 2016

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record on this date, September 6, 2016September 6, 2016, by electronic and/or ordinary mail.

s/Keisha Jackson
for Case Manager L. Saulsberry